

Chair: Mark Muller QC | Vice-Chairs: Kirsty Brimelow QC and Sudhanshu Swaroop

His Excellency Recep Tayyip Erdoğan
Office of the Prime Minister
Başbakanlık
06573
Ankara
Turkey

Fax. +90 312 417 0476



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 28 November 2011

Dear Prime Minister Erdoğan,

I am writing on behalf of the Bar Human Rights Committee of England and Wales (BHRC). The BHRC is the international human rights arm of the Bar of England and Wales. It is an independent body primarily concerned with the protection of the rights of advocates and judges around the world. The Committee is also concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

The members of the BHRC are united in their deep concern at news of the arrests of 51 Turkish lawyers during raids carried out simultaneously in many Turkish cities and provinces on 22 November 2011.

The BHRC carries out its work on the basis of the Preamble on the Function of the Lawyer in Society, adopted by the CCBE (Council of the Bars and Law Societies of the European Union).

This provides that every lawyer must serve the interests of justice, as well as the interests of those whose rights and liberties he or she is entrusted to defend.

Respect for the professional function of lawyers is an essential condition for the rule of law and democracy in every society.

These arrests are the latest step following on from the very recent threats by the Turkish prosecutors and courts, to persecute the large number of lawyers who are defending 152 accused in a mass trial in Diyarbakır. This trial is due to be continued on 6 December 2011.

In this trial, the lawyers took the principled position that they were not able to defend their clients any further, after the Diyarbakır Court ordered that the accused were not permitted to speak their own native, Kurdish language, in their trial.

All the defence lawyers, as a group, and also the Leader of the Diyarbakır Bar, were threatened in strong terms in advance by the Prosecutors, and by the Court itself, that they would be persecuted if they did not immediately continue to defend their clients in the Turkish language.

Chair: Mark Muller QC | Vice-Chairs: Kirsty Brimelow QC and Sudhanshu Swaroop

We respectfully draw the attention of the Turkish authorities to the fact that the arrests and threats constitute grave violations of every human rights treaty to which Turkey is a party.

Furthermore, it would appear that the Basic Principles on the Role of Lawyers, adopted by the UN Congress in Havana in September 1990 have not been respected.

According to these principles, governments are obliged to ensure that lawyers are able to perform all of their professional duties without intimidation, hindrance, harassment or improper interference.

Governments must also guarantee that lawyers do not suffer persecution or threats of persecution or any sanctions for carrying out their duties as lawyers.

The Turkish Government appears to be acting contrary to these Principles.

Therefore the BHRC calls upon the Turkish authorities to implement the following measures without delay:

- the immediate release and reinstatement in their duties as lawyers of all the lawyers who have been arrested or threatened;
- the restoration of the full and free exercise of their independent advocacy role.

The BHRC respectfully informs the Turkish authorities that its members will follow the mass trial closely.

The BHRC also urges the Turkish authorities to respond as soon as possible with a full and positive response to the serious matters raised in this letter.

Yours respectfully,


Prof. Bill Bowring, Barrister, BHRC Executive Committee member

CC:

- *HE President Dr Abdullah Gül*
- *Deputy Prime Minister responsible for human rights Mr. Beşir Atalay*
- *Justice Minister Mr. Sadullah Ergin*
- *Ambassador Mr. Selim Kunalalp, Diplomatic Mission of Turkey to the European Union in Brussels*
- *Ambassador, Mr. Oğuz Demiralp, Permanent Mission of Turkey to the United Nations in Geneva*
- *Consul General Ahmet Demirok*
- *HE Ambassador David Reddaway*